

GUIDELINE C-2
(formerly 14-02)

Participation in Hearings on Waste Disposal Sites

Legislative Authority:

*Environmental Protection Act, RSO, Sections 5, 27,
30-34*

Responsible Director:

Director, Legal Services Branch

Last Revision Date:

April, 1994

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SYNOPSIS

This guideline defines the maintenance of neutrality by the Ministry during the course of hearings on waste disposal sites and provides guidance to Ministry staff with respect to their participation in such hearings.

1.0 Definition

Certificate of Approval:

The authorization for the operation of a waste disposal site, including the terms or conditions of the certificate

2.0 Ministry Participation in Hearings on Waste Disposal Sites

2.1 Neutrality at Hearings

Neither the Ministry nor its Directors shall exhibit favour and support for an applicant in a hearing, nor shall they demonstrate, or appear to demonstrate, favour and support for interested parties in an application, unless specifically authorized.

2.2 Ministry Technical Reports

Ministry technical reports concerning the proposed site will be available to the Environmental Assessment Board and to all parties to the Hearing on an equal basis.

2.3 Testimony by Ministry Employees

Ministry employees who have expertise and information concerning the proposed site shall be available to testify at the request of the Environmental Assessment Board.

2.4 Expert Witnesses

Ministry expert witnesses may, when asked, testify based upon the conclusions reached within the limits of their expertise. They shall advise the hearing that such opinions are not necessarily those of the Ministry.

2.5 Departures from Neutrality

(a) If sufficiently strong reasons indicate a departure from

neutrality, the Director's counsel shall advise the Environmental Assessment Board of this departure.

- (b) Where the Ministry has initiated an application for approval for a waste disposal site under the *Environmental Assessment Act*, the Ministry will of necessity become a proponent. Ministry employees will be required to depart from their position of neutrality in the normal discharge of their duties.